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March 10, 2022

Via ECF

Hon. Naomi Reice Buchwald, U.S.D.J.
United States District Court, S.D.N.Y.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 21A
New York, NY 10007-1312

Re: Order of Dismissal of *The People of the State of New York v. Cole* – CR-006188-21NY
Case No.: 1:21-cv-01791(NRB)—*Rachel Filsoof v. Andrew J. Cole*
Client No: 1272-1001

Dear Judge Buchwald:

As promised, I am providing a substantive update on the status of Defendant's only remaining criminal prosecution—the New York case for alleging criminal contempt. I am pleased to inform you that the case has been DISMISSED, the criminal order of protection has been VACATED and Defendant's bail has been EXHONERATED. Enclosed is a copy of the decision and order dismissing the charge together with notice of entry served upon the District Attorney's Office.

As a result of this dismissal, the only remaining restraint upon Defendant is the preliminary injunction ordered on April 6, 2021 (ECF 20). There is an application pending to vacate this order (ECF 94-98) on the ground that, based upon new information, the elements for a preliminary injunction no longer exist (ECF 95 at pp. 19-21). This dismissal and vacatur of the only remaining criminal order of protection constitutes further new information justifying the vacatur of this order. Moreover, the parties have bilateral allegations, yet the only party with medical evidence of injuries inflicted upon the another, is Defendant (actual medical records of Defendant's injuries). Since the Court has already held that the elements for a mirror-image preliminary injunction in favor of Defendant had not been fulfilled (ECF 111), we believe that neither party should have one.

Accordingly, we respectfully submit that, in light of this recent development, that the preliminary injunction against Defendant in this case (ECF 20) should be vacated.

Respectfully submitted,

FARBER SCHNEIDER FERRARI LLP

By: 

Daniel J. Schneider

cc: John Bostany, Esq.; Tom M. Fini, Esq.